OBSERVATIONS

ON THE

USE and ABUSE

OF THE

PRACTICE of the LAW,

CALCULATED TO

GUARD the UNWARY TRADER againſt the IMPOSITIONS of IMPOSTORS;

AND ILLUSTRATED WITH

SEVERAL PROFESSIONAL ANECDOTES.

"I would not give, quoth HUDIBRAS,
"A Straw to underſtand a Caſe,
"Without the admirable Skill,
"To Wind and Manage it at will:
"To Vere and Tack and Steer a Cauſe,
"Againſt the weather Gage of Laws;
"And ring the Changes upon Caſes,
"As plain as Noſes on your Faces."

THE SECOND EDITION.

BY A FRIEND TO THE PROFESSION.

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And Sold by R. Parſley, Surrey-ſide of Blackfriars Bridge; J. Nunn, Great Queen Street, Lincolns Inn Fields; J. Anderſon, Holborn Hill; and J. French, Fenchurch Street, London; Meyler, Bath; Bulgin and Roſſer, Briſtol; Stevenſon and Beatniffe, Norwich; Keymer, Colcheſter; Clachar, Chelmsford; Deck, Bury; Shave, Ipſwich; Downes and March, Yarmouth; Marſhall, Lynn; Barker, Dereham; and Delahoy, Deptford Bridge, Kent.

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DEDICATION

TO THE

WORLD.

WHEN an Author faſtens on the virtues of his Patron, he uſually diſmiſſes them with over-flowing expreſſions of gratitude and regard to the end of his dedication. Every accompliſhment is ornamented by the choiceſt fruits of the author's abilities, ranged in the beſt order of compliment, as well to the ruſty armour of anceſtry, as the modern exploits of the patron himſelf, till arrived at the uſual limits, the feeble hand ſubſcribes the dictates of the grateful heart.

Cuſtom calls upon me for a tributary Addreſs. To whom then ſhall I ſo properly dedicate as

To the World in general? for, though I cannot praiſe its virtues, admire its wiſdom, or in general extol the impartial eye with which it views the labours of the poor author, yet as I write to ſerve the World, I rely on its candour to accept the tribute offered for the general good.

However the auguſt body of critics may condemn, or the learned cenſure, the World will kindly receive what is meant for the benefit of Society: Such, being the object of the following treatiſe, will, it is hoped guard it from ſeverity, and give it that title to public approbation, which is the chief aim of

The AUTHOR.

OBSER-

OBSERVATIONS

ON THE

USE and ABUSE

OF THE

PRACTICE of the LAW,

AMIDST the various reſearches into nature, few objects have eſcaped the attention of the ingenious enquirer;—the animal, as well as vegetable, creation has undergone the inſpection of the exploring eye of curioſity, and the world has in general been amply gratified by deſcriptions and obſervations, reſulting from the induſ-

trious inſpections and generous pen of the natural philoſoper.

Among the general group, man has not paſſed unnoticed; eſſayiſts of different denominations have depicted the innumerable frailties of the human race, and mankind have ſo far approved the prineiple, that few refuſe (though many neglect) to apply the moral to the cure of the particular vice or infirmity it is meant to attack.

Little (if indeed any) addition can be made to the ſtore of literary productions upon the vices, or rather weakneſſes of man, when degenerated by indolence, habitual idleneſs and inactivity, or the force of example.

There are in the human ſtate particular deſcriptions of offence, which become in a greater or leſs degree criminal, according to the opportunities afforded for the commiſſion of them. The man, therefore, who, under ſhelter of the ſacred garb of religion, would ſecretly violate

violate its pureſt rights, or, under the leſs ſacred refuge of legal knowledge and profeſſional opportunity, invade our temporal poſſeſſions, is certainly a fit object for expoſition.

The temporal and civil rights of mankind, are under the guard of a legiſlature of their own chuſing, and are, as applied to this country, happily effective to principles of the ſtricteſt juſtice; operating in their executive part under Judges of integrity and impartiality, and Juries whoſe hearts are naturally inclined to the liberty they participate.——It would be going too far to ſay, that the Conſtitution under which we live, is entirely free from defect; but I ſhould hold in contempt the ſcribler who, within the confines of his ſcanty abode, would trample upon the authority, and attempt an amendment of thoſe laws the wiſdom of ages has framed, and the policy of ſucceeding times confirmed, it not being the province of an individual, as none could be found equal to a taſk ſo arduous.

To the frequent mal-practices of thoſe who are, or are ſuffered to act as Attornies, may be attributed the general reflection on that which is of itſelf an honourable occupation.

The beſt inſtitutions are open to the baſeſt pervertion, frequently ariſing from the exerciſe of talents, which, if properly applied, might eſſentially ſerve the community. Great abilities ſeldom fail to receive early impreſſions of the examples ſet before them; and as ſuch only are fit for the exerciſe of a profeſſion requiring an extraordinary exertion of the mental faculties, too great a caution cannot be uſed in the choice of a maſter, to whom the care of a youth is to be intruſted, to receive that inſtruction by which he may benefit his fellow-creatures, or, by a miſ-application of which, he will not only be an incumbrance and diſgrace to the law, but a dangerous member of ſociety.

Every evil has a ſource from which the baneful poiſon derives its malignity; it would, therefore,

therefore, be uncharitable to impute vice in general to the impulſe of the heart, ſince we may readily believe it, in many inſtances, originates from the preſſing calls of neceſſity, and gradually reconciles the mind by the force of habit, and the ſeeming ſucceſs with which it is attended.

If the intelligent reader will but carry his obſervation to the many inſtances of genius in obſcurity (for want of opportunity to diſplay its luſtre) I flatter myſelf he will readily agree with me, that the bare exiſtence of the beſt qualifications are but a trifling conſolation, while they remain in a ſtate of inactivity, or, by the force of neceſſity, are perhaps with reluctance miſapplied.

The reflection on theſe general ſentiments, I may ſurely recommend to the conſideration of the affectionate father and the careful guardian. The former muſt have a natural impulſe, the latter will ſurely not neglect

impreſſions

impreſſions that ſhould operate in aid to the diſcharge of ſo ſacred a truſt.

It is the duty of a parent in the diſpoſal of the tender charge nature has intruſted to his care, not only to conſider his capacity and conſult his inclination, but how far he may hope from fortune or connections for ſucceſs in that profeſſion, by the exerciſe of which he is to obtain the means of his future exiſtence. The general opinion has been, to let capacity rather than choice, point out the future occupation of our youth. But, alas! Genius alone has been frequently found very feeble in the road to fame. She has taken integrity by the hand, till ſinking under the preſſure of neceſſity, ſhe has fooliſhly embraced the alurements of vice, and degenerated at laſt into villany and oppreſſion.

The charitable boſom of the reader will not fail to apply the metaphor in its proper ſenſe, and conſider the young Solicitor or Attorney, frequently an object of commiſſera-

tion

tion plunged, perhaps, into a liberal profeſſion, from the ambition of an unthinking parent, to raiſe that gentility in his poſterity he is unable to find the firſt ſuitable means of an introduction to. His weak imagination points out to him the future greatneſs of an arch and ſprightly boy; and he is marked out as a fit object for the profeſſion of the Law, perhaps having the good fortune to obtain an article free of expence, in conſideration of ſome ſervile employment, about which he is more frequently buſied than that in his proper department; he is at the uſual time admitted a member of that profeſſion which ſhould deſerve the title of Gentleman, but which is now very often uſed as a ludicrous appellation, from the ill repute into which the inferior perſons of the profeſſion have brought it.

The poverty of the parent leaves him thus ſituated to ſeek his ſubſiſtance; when inſtead of poſſeſſing a property or connection to enable him to chuſe ſuch buſineſs as would be a credit

to him to tranſact, he is under the neceſſity of accepting ſuch as is the refuſe of others, and for want of that to ſtir up factions and diſputes, as the only means of creating a pittance for the relief of the dreadful calamities to which he is expoſed; nature ſo frequently reminding him of his wants, that he cannot reject the practice his heart abhors.

Thus ripened into infamy by a long courſe of bad practice, remorſe forſakes his breaſt; he triumphs over the diſtreſſed; is the renowned champion of every invader upon the property of the induſtrious, and from an artful application of the moſt ſalutary inſtitutions to purpoſes of the baſeſt dic, he frequently commits every act of depredation, under the ſanction of legal knowledge and authority, prudently avoiding only that which will keep him out of the hands of the loweſt and final executioner of public juſtice.

The reader's candour will, it is hoped, avoid every impreſſion in the courſe of peruſing the

the thoughts of the author that may tend to a general reflection, as no body of men can be accountable for the vices of a corrupt individual, though the liberal profeſſions, have all had the ill fortune to wear a badge of diſgrace: therefore, reader, whoever you are, whether you have loſt an eſtate by the means you took to recover it, or, if recovered, you are about to enter into a freſh ſuit to get from your Solicitor the poſſeſſion of it, judge not too haſtily, but embrace an opinion which ſhould ever prevail—That though a diſhoneſt practitioner may diſgrace a profeſſion, that profeſſion will not, for ſuch a cauſe, bring infamy on an honeſt one.

In fore-warning men againſt perſons likely to lead them into heavy and unneceſſary expences, with many other inconveniencies, (which an attempt to deſcribe would far exceed the limits of the preſent treatiſe) I could wiſh to give ſomething like the character, if it were to be found in any ſingle ſpecies of deceipt; but ſo various are the ſubtle inſinuations

of a needy Attorney, that it would be as difficult to enumerate them as it would be to deſcribe half the ill effects they produce.

I have freely offered my opinion as to the primary cauſe of the evil, but which is not always the ſole attribute of the imperfection, there being ſome men who, however favoured by fortune, or bleſſed with affluence, have contracted ſuch habits, either from the depravity of their own principles, or an early acquaintance with bad men, that it is neither in the power of time or proſperity to remove an evil ſo ſtrongly interwoven in their nature.

Thus like the ordinary ſprings of every other human depravity, they originate from different cauſes, though they ultimately tend to the ſame lamented evil.

The Law has, in the wiſdom of its framers, promulgated many offences, which, under proper degrees of proſecution, are very effective to the ends of their inſtitution; but it is a dreadful

dreadful calamity to the community that the ill applied talents of thoſe whoſe province it is to carry them into execution, ſhould ſtrain them beyond their intended limits, for no other purpoſes but their own emolument. Thus it is in paltry caſes of defamation and aſſault, where neither the body or reputation are injured, the Attorney rouſes a ſpirit of revenge, which but for him would never exiſt.

A practitioner of this deſcription is conſtantly watching, with the moſt eager attention, for a diſpute that may afford but even a trifling ground of legal proſecution, and this, to one grand end, politically digeſted in his own mind, to procure coſts from plaintiff or defendant, for either of whom you will never find him employed, unleſs the the has money; motives of juſtice being one of thoſe principles from which ſuch perſons never act.—He never gives the adverſary of his client an opportunity of ſettling his diſpute till he has firſt put him to an expence, though he is often ready to ſettle it upon the payment of ſuch expence, without the

the ſatisfaction due to his client; he is conſtantly upon the watch for every advantage he can obtain, equally regardleſs of the event of any ſuit he undertakes; ſatisfaction to his employer is one of thoſe dreams that ſeldom diſturbs his repoſe, and as he expects not to be retained a ſecond time, by the ſame perſon, if payment of his bill is refuſed, an action will increaſe the demand, and is a pretty certain remedy for the recovery of it.

But however offenſive theſe introductory thoughts may be to a certain deſcription of men, more numerous than reſpectable, and to whom they aptly apply, I truſt I ſhall eſcape cenſure from the better part of the profeſſion, for an attempt, good in its intention, however uncouth in its execution.—The World I doubt not will welcome it to light, and give it a reception only equal to its deſerts.

It is a great grievance to the ſubject that for ſo trifling a ſum as two or three pounds a creditor muſt hazard the loſs of twenty more

for

for the recovery of it, for to that ſum at leaſt amounts the trial of a cauſe in any of the Courts at Weſtminſter; and even ſhould he meet with an Attorney generous enough to give up every pecuniary emolument, the bare official expenditures, Council, and Court Fees, amount to ten pounds at leaſt. It is certain if he recovers the debt ſuch judgement gives him his coſts, but the recovery of thoſe coſts being by the Law out of the pocket of the claimant of them, he may truly exclaim, "I have been to Law to recover my debt, and have ſucceeded; but to put the judgement of the court into execution I am more out of pocket then when my ſuit began!"—Thus it is a hardſhip, even upon the opulent, but much more ſo on the poor, to whom, if a ſmall ſum is due, or a wrong is done, the remedy is beyond their reach; for however poor a man may be, if he has a right, it is natural he ſhould ſtruggle to ſupport it as long as he is able; how great then the hardſhip the Law puts him under, when in order to do ſo it

obliges

obliges him to engage in a labyrinth of expenſive proceedings.

It is a maxim in Law, that every right has a remedy; but a rich and potent adverſary will verify the adage which, though ſomewhat antient, is certainly true, that "might frequently overcomes right."—The tedious and expenſive meaſures neceſſary to ſupport trifling ſuits, leads me to this gentle reflection on the Law itſelf, which, however excellent in its conſtruction, cannot but meet a check in its progreſs, and prevent the application according to its intentional juſtice, between parties unequal in point of fortune; It were to be wiſhed for many reaſons it were otherwiſe, and as improvements gradually increaſe, we may hope time will produce what cannot be ſuddenly accompliſhed.

I have made the foregoing obſervation to ſhew that as the intricacy and expence of our procceeings may by incautious or bad men, produce much ill conſequence to the ſubject,

how

how neceſſary and how beneficial it would be to the World if the general body of men appointed to iſſue and conduct the proceſs of our courts, were of quality and principle not to be tainted by neceſſity or avarice to abuſe them; it is then probable they would endeavour to ſupport the right of the ſuitor in the readieſt way, or adviſe him from a remedy likely to produce an evil, and, contrary to the modern cuſtom, they would conſider it their greateſt intereſt to ſupport their own credit.

I cannot ſuppoſe but if the Judges of our Courts were familiar in their knowledge of the abuſe of practice by Attornies, and thoſe whom they permit and aſſiſt, and of the effects produced by ſuch conduct, a reformation would take place in the future admiſſion of perſons appointed to exerciſe that profeſſion; for amidſt all the inconveniencies the practice of the Law is loaded with, and which, from a maſs of difficulties, the ſenate would find it an arduous taſk immediately to reform, the integrity of the Solicitor would be a paſſport

to guide men in the purſuit of their property, and prevent thoſe ſuits which have nothing in their end but a litigious and oppreſſive deſign; it would be a prevention of thoſe ſharping and undue advantages practiced by the Attorney of one party upon the more fair practitioner of the other, and conſequently thoſe diſgracing applications to Courts of Juſtice which make them bluſh for the Solicitors who practice under them.

The number of perſons who now infeſt this town, and have intruded themſelves into the profeſſion of the Law, excluſive of thoſe who in violation of an Act of Parliament, are ſuffered to practice under the names of Attornies duly admitted, is aſtoniſhing, and the more ſo, as the abuſe calls for no new law to redreſs it, but a ſpirited exertion of the act of parliament above aluded to, and a cautious examination of perſons applying to be admitted.

When I reflect upon the amazing maſs of buſineſs (if it may be ſo called) that reſults from

from the ignorance and knavery of perſons of this deſcription, it may appear ſomething like a reaſon for their being ſuffered to act with impunity; but though that cannot be the caſe, the injury the innocent ſubject ſuſtains, ſuggeſts that ſuch practice ſhould neither go unnoticed, nor remain unpuniſhed: The laws now in force want only to be put in execution, for the due regulation of Attornies, as they would be ſufficiently effective to that purpoſe; and a little ſtricter adherence to the examination of the party at the time of application for admiſſion, would deter the ignorant pretender from attempting ſuch an impoſition, and convince others, that the bare obtaining themſelves to be articled to an Attorney would be ineffectual, without the proper acquirements reſulting from a regular attention to the duties of a clerk; men of the above deſcription would not dare ſhew their faces to ſtand that teſt which would never fail to diſtinguiſh real merit from the paltry pretentions of an ignorant or crafty impoſtor, who having ſullied the reputation of his own trade, chuſes to

take upon himſelf the employment of an Attorney.

Many inſtances ariſe, where it happens that however capable a man may be of his profeſſion, and competent to paſs that examination, which I hope to ſee again brought into uſe, he, from neceſſity, rather uſes the Law as a relief to his own wants, than to procure that juſtice to the ſubject which was the great end of its inſtitution. This, though before aluded to as a grievance, may be better illuſtrated by what the Lawyers call a Caſe, a Caſe which may be relied on for its authenticity.

A BLIND FIDDLER

AGAINST

A JOURNEYMAN CARPENTER.

At a little village near one of the principal ſea-port towns in England, lived, and perhaps ſtill

ſtill lives, a poor, and from report, very honeſt blind man, whom I ſhall hereafter, in conformity to legal formality, call the Plaintiff, who earned the ſcanty pittance that ſupported him by cheering the hearts of the honeſt Tars with his performance on the violin; few merry makings where he was not to be found; and no dance (for he had no rival) could be carried on without him; to ſay the truth, he was perfectly harmleſs, and uſeful to the village in the hours of relaxation: Near the ſame ſpot alſo lived a carpenter (and who, for the ſake of equal formality, I ſhall call the Defendant) a perſon equally as honeſt, though not of quite ſo pleaſant a deſcription as the plaintiff:—It happened at a ball where the defendant (or the carpenter, which the reader finds moſt agreeable) was to conduct the ceremonies; the plaintiff was engaged as the band upon the occaſion; the party conſiſted of ſailors and their girls, and very merry they were; the plaintiff had made a hard bargain to quit the ball room at twelve o'clock, but it unfortunately happened the clock ſtruck before the

*Cuſhion Dance** had been called; as every man has a right to ſtick to his agreement, the plaintiff inſiſted upon going, and the defendant, as the conductor of the ball, perſiſted in demanding his attendance till that delicious treat, ſhould be concluded.

As ſome philoſophers hold that every act of a man's life is ſwayed by ſome fatal predeſtiny, ſo it happened on this occaſion, that the paſſionate hero of the evening was the author of his own diſappointment; paſſion prevailed over the regard a maſter of the ceremonies ſhould ever retain for good order and decorum; having ceaſed to exerciſe his feet in one way, he proceeded to make them the inſtruments of his wrath in another, for by a ſudden kick he demoliſhed the fiddle, and concluded the evening's entertainment.—The company diſperſed, and the poor plaintiff retired to an uneaſy pillow, ruminating on the loſs of that companion

* A concluſion peculiar to ſuch kind of aſſemblies, though ſeldom introduced into thoſe of a politer deſcription

companion upon whom he depended for ſupport.

Thus far the hiſtorical part of the cataſtrophe; now for the legal, and, conſequently, more material part.

In vain was every effort made by the poor man for a reſtitution of what, in truth, was his due, about one guinea and an half, the value of his unfortunate inſtrument; the reſtitution was refuſed; what was to be done? The blind man was led by a friend (whom for his ſake, had he been blind too, it would have been fortunate) to a ſkilful Attorney, who on inveſtigation proved to be an excellent judge of a broken fiddle, and pronounced it to be in his opinion, when in a perfect ſtate, worth two guineas at leaſt; and that being the caſe, the plaintiff had a very good cauſe of action to rerecover that ſum for the loſs of his inſtrument, and as much more for the loſs of time, till another was procured, as an honeſt Jury ſhould award.

It fortunately happened that the Fiddler had at this time about thirty pounds in the hands of a relation, where, perhaps, it would ever remained uſeleſs to the real owner, had it not, upon this occaſion (though not without much reluctance on the part of the truſtee) been tranſferred into the more active employment of the Attorney, to be by him expended in the neceſſary formal proceſs of writs, declarations, pleadings, and a long ſtring of et ceteras, before the parties with their witneſſes could reach the place where the aſſizes were held, which was full forty miles from the ſcene that firſt give riſe to this notable cauſe.—The Attorney and his clerk, for expedition, took a poſt chaiſe; the plaintiff, to ſave expences, rode behind, and the witneſſes were conveyed in ſeveral ways agreeable to their ranks.—Thus at a large expence they reached the deſtined ſpot, that could alone do juſtice to ſo atrocious an injury. To haſten to the event, the Counſel were feed, the Jury ſworn, and at length the plaintiff recovered a verdict for two guineas—Small as the ſum was, the addition

of

of about forty pounds coſts made it too heavy for the defendant to pay, and he, to avoid a goal, left the country—The plaintiff's money was expended, and he is ſtill in debt.

Much greater was the hardſhip of this caſe, than that which is related of the Oyſter, which being diſputed between two claimants, was, by the equity of the lawyer, divided into three parts, a ſhell for each of the diſputants, and the fiſh as the arbitrator's fee!

Though the generality of ſchemes invented for the relief of indigent men, in the profeſſion of the Law, rouſe the indignation of every feeling and honeſt heart, ſtill there are caſes reſulting from real diſtreſs that awaken the nicer ſenſations of tenderneſs and pity; of this ſort ſeems to be the following, which, though the eye is apt to regard with contempt, the heart muſt feel to originate from neceſſity.

EXTRACT *from the* DAILY ADVERTISER, *March the 28th*, 1786.

"*To the Gentlemen of the Law, and the Public in General.*"

"A Gentleman regularly bred to the pro-
"feſſion, and who underſtands the theory and
"practical part, gives advice in Crown and
"Common Law Caſes, Chancery and Con-
"veyancing, for the moderate fee of one
"ſhilling; ſpecial pleadings and Conveyancing
"drawn accurately and proportionably rea-
"ſonable.—Apply at No 1, Prujean Square,
"Old Baily, any day, except Sunday."

Whoever thou art (author of this advertiſe-
ment) little thanks are due to fortune, for the
ſituation in which ſhe has placed thee—Thy
talents, though in obſcurity, may be eminent,
but the price which neceſſity ſeems to have
obliged thee to retail them at, ſpeaks the miſery
of their poſſeſſor, and will procure them but
a cool reception.

From

From this advertiſement, but little evil is to be feared; but there are other advertiſers, who, under the various pretences of lending money to the neceſſitous, and redreſſing the grievances of the injured, collect within their power the unwary, through the great daily channel of information, a newſpaper; and as there are enough ready to catch greedily at the bait, and to whom its being in print is a ſufficient voucher for its authenticity, opportunities are ſeldom wanting for theſe gentlemen to exereiſe their dexterous talents; of ſuch I would have avoided any notice, and left them to have been claſſed under a deſcription to which they have a better title, but as they chuſe to practice under the ſanction of of the Law, I cannot in juſtice neglect them.—Excluſive of Meſſ:s. A. B. C. and a variety of others ſo deſcribed, I ſometimes caſt my eyes on an advertiſement, under the title of the Univerſal Law and Agency Office, which the credulous reader is taught to believe a ſet of Gentlemen have opened, for the purpoſe of

redreſſing the various injuries within the power of the Law.

Here we are told, that thoſe who are withheld from their monies, goods, or eſtates, will be adviſed and relieved (according to their ſeveral neceſſities) and a mode purſued whereby many bad, or (as they are pleaſed to add) doubtful debts, have been recovered :—debts, which however doubtful in their preſent ſtate, would I fear, be rendered ſtill more precarious to the real owner, by being intruſted in ſuch hands!

It would be difficult to aſcertain who are the real proprietors of theſe invitations to the public, a principal in this ſort of traffick being as ſeldom to be met with as a principal at a lottery inſurance office; there are two reaſons which may be aſſigned for theſe gentlemen being difficult of acceſs (viz.) Their greatneſs or their prudence, which of theſe I leave the world to determine; for my own part, I ſhall ſhortly expect a hand bill will be circulated, acquainting

acquainting the world that the Company have provided a *back door with a lamp in the entry*,* which will compleat this great work of public utility.

There is a reſpectablity in a profeſſional character, that ſhould it ſink from the preſſure of misfortune, will ſtill retain its original dignity; but when a low and illiterate man is introduced to the world as admitted by the laws of our country, to ſolicit its advantages for individuals, he brings that contempt on himſelf which his proper ſituation never would have expoſed him to; in himſelf he is perfectly harmleſs, being too ignorant to produce any miſchevious conſequences; thus far the incautiouſneſs of ſuch a man being admitted, and an examination whether he has duly and truly

* A ſpecies of convenience adopted by quacks of another tribe, to render the avenues to their abode ſafe, for their unfortunate patients in their evening viſits.

truly ſerved a clerkſhip, is productive of no inconvenience, but the ill effects reſulting from the uſe his name is applied to by others, is very evident from the following anecdote related to me by a gentleman on whom I can rely.

"On a viſit, ſays he, to a friend in one of the Inns of Court, ſome ſhort time ſince, I accidentally accompanied him to the houſe of an attorney, in an obſcure part of the town, to which, when we came, I was much ſurprized to find it a common porter houſe; my knowledge of the world, and of the habitations the beſt of men are conſtrained to occupy, for the convenience of privacy, induced me to believe we were in ſearch of ſome gentleman whoſe misfortunes had rendered obſcurity an aſylum of ſafety, but I was ſoon undeceived by my friend, who told me that the landlord of the houſe had, by ſome means, got admitted an attorney, but that he did not chuſe to decline the porter ſelling buſineſs, in which

which he had been originally brought up:—The information ſounded unpleaſant to my ear, and though my capacity and comprehenſion is uſually rather acute, I was on this occaſion ſome what at a loſs to gueſs how a man ſo deſcribed, could endure that ordeal of examination, which, till this time, I was taught to believe was cuſtomary; I at length conſoled myſelf under the idea that the gentleman muſt of courſe be ſome very extraordinary humoriſt, and as men of ſenſe, as well as others, are frequently conſpicuous for the oddity of their taſte, I concluded the public houſe was the gentleman's *Hobby Horſe*, uſed in his hours of relaxation, from the more weighty concerns of his profeſſion.

"On our entering the houſehe preſented himſelf in the true character of an induſtruous landlord, without his coat, ſcouring his pots; my friend addreſſed him as a brother of the profeſſion; the man ſcratched his head, and declared 'he did no buſineſs there!' But, ſumming up ſomething of an important air, referred

referred us to his Office in the City, where his Clerks would give us an anſwer; but for his own part (accomodating his tone of voice to the honeſty of his declaration) 'he aſſured us he did not know any thing of the matter.'

"In our way to the city, I did not fail to banter my friend on the incident, when he informed me, that to be an Attorney was by no means, at the preſent day, in general an argument, either of a Gentleman, or a perſon acquainted with the Law; that many perſons now got articled to Attornies to anſwer various purpoſes, and that at the expiration of the term they ought to have ſerved, they had only to make an affidavit that they had ſo ſerved it, and ſuch was ſo ſtrong a preſumption of their capacity, that upon a trifling fee of Ten Shillings and Sixpence, the Judge's clerk preſents them with the fiat of his maſter, and the Courts adminiſter to them the neceſſary oaths, which as they are kept, never fail to conſtitute an Honeſt Attorney; but as there were men

to

to be found in every ſituation who applied the doctrine of HUDIBRAS* rather than a religious obſervance of the obligation, ſo he feared in the Law there might be ſome not ſcrupulouſly nice in ſuch matters—At length we arrived at the Office, where things wore a more reſpectable appearance, and we were received by two or three very civil clerks of the tribe of Iſrael, *who did all the buſhineſs juſt the ſhame as if Mr.* * * * * *was there himſhelves,* but who in reality never comes near the ſpot he is nominally maſter of: Thus under ſanction of the publican's name, and under colour of being articled clerks to him, are theſe Moſaick Brethren making a ſpeedy progreſs to be inrolled as further ornaments to the laws of this country, firſt having renounced

 their

* He that impoſes an oath makes it,
Not he that for convenience takes it;
Then how can any man be ſaid,
To break an oath he never made?

their faith with the names of their fore-fathers, and every other appearance of Jewiſh antiquity, except ſuch as nature has wiſely decreed they ſhall never part with."

The ſtory thus related by my friend is literally true, and the parties alluded to very well known.

It will perhaps gain leſs credit that a perſon who lately kept a green ſtall, and ſince that was an aſſiſtant, in a very inferior degree, to a ſheriff's officer, is now admitted an Attorney; to do him juſtice he totally avoids his former trade, though for which he is much better adapted.

There are gentlemen of the law (though but few) who have originated from obſcurity, and, as if deſigned by nature, have made ſhining ornaments of it.

The abilities of ſuch men I reſpect, and I ſhould feel a retort of that reflection (upon my

my own conduct) I ſhould attempt to apply to them; I deſire to expoſe to ridicule and contempt the ignorant, the illiterate, and the infamous, men improper for the repoſe of that confidence which ſhould be the particular characteriſtick of an attorney.

It ſurely cannot be unneceſſary to point out the inconveniencies likely to reſult from the foregoing connection between the Publican and the Jews, nor indeed of any concern formed upon principles ſo unnatural and prejudicial: Not alledging any ill conſequences that have reſulted from it, or throwing the ſmalleſt imputation on a tribe that, for ought I know, may be as well qualified for the occupation as any of the profeſſors of the Chriſtian Faith, I confine myſelf wholly to animadvert on that evil which is likely to reſult from an undue uſe of the practice of the law, contrary to its eſtabliſhed intention, at a time ſo many hundreds regularly bred are in real neceſſity.

The courts of law cannot, in the nature of them, take cognizance of the depredations of individuals not legally authoriſed to act at all, without being applied to for that purpoſe: The penalty for the offence is a ſevere one, and the application ſummary.

To particularize the number of perſons that have emerged from obſcurity, and having firſt jumped behind a carriage, very quickly made their way into one, would be tedious, and in general unintereſting; it is enough to ſay, that with ſome rolling in carriages, others creeping bare-foot upon the ground, and others immured in obſcurity and in diſtreſs, ſome thouſands bear the name of attornies, excluſive of thoſe active auxilliaries before alluded to.

To check, in ſome meaſure, the numbers and leſſen the evil, I would offer a hint to thoſe gentlemen whoſe grandeur being not yet ſufficiently ripe to afford the ſeperate departments, unite in one the *foot-boy* and the *clerk*: This

is

is a practice very reprehenſible, and as I do not object to it without a reaſon, I would wiſh to ſubmit the propriety of it to their conſideration, leaving them to retain or reject the cuſtom, as they think proper.

This plan of œconomy, I believe, originated in the country, but has lately, with ſome ſucceſs, been introduced into the metropolis; for inſtance, a youth who happens to write a tolerable hand, and has the good fortune to be hired to an attorney, after he has finiſhed aſſiſting the female ſervants in their domeſtick employments, which are his proper province, is called into the office, and ſet to copying for the remainder of the day, and as a livery is not ſo pleaſant a ſight in an attorney's office, he is uſually placed in a little cloſet (if the houſe affords the convenience) near his maſter, otherwiſe he is provided with a dreſs to ſuit his ſeveral capacities.—He becomes uſeful, and from policy (as well as a diſlike to hide his abilities under a livery) ſo far cultivates eſteem, as perhaps to get articled to his maſter,

and

and if that is not accompliſhed, he quits his employment, and ſets up for an attorney's clerk, a buſineſs, though not ſo lucrative, nor by far ſo richly ſupplied with proviſion, as a footman, carries with it the title of gentleman.

Time and perſeverance is likely to accompliſh every purpoſe within the compaſs of poſſibility; and at worſt, if he cannot become an attorney, he can at leaſt by his ſkill and addreſs procure buſineſs, which, according to the foregoing obſervations, the reader will ſee he may tranſact in the name of another.

If he can get articled, the expence of admiſſion is but trifling, and his lack of real abilities will be no bar to the preferment.

To the general rule muſt be made an exception in favour of men of genius and integrity, from whatever claſs they may have originated, but the probability is exceeding ſtrong againſt a low bred youth exerciſing with honour (when maturity ſhall have ripened his underſtanding) a profeſſion replete with unavoidable

avoidable opportunities to harraſs his fellow creatures; I muſt therefore obſerve, that were men more particular in the choice of their pupils, ſome of the evils would be avoided.

The thriving qualifications of theſe ſort of gentlemen, is verified in the progreſs of a man of great diſtinction in London, formerly well known by the name of the LITTLE LAWYER. —By diſtinction here, I mean that which is acquired by a particular abſurdity in the exterior or diſplay of ornament on a body, in the formation of which nature has dealt rather niggardly, in compariſon of her wonted bounty to the human race, an infirmity entitled to compaſſion in itſelf, and only rendered contemptible by an unſeemly decoration of the object.

The little hero of my tale was in the early part of his life a beau, and profuſe in thoſe ornaments which, though an addition to ſome men, operated on him very contrary to their intent; but in his more youthful days he had been

been toſſed from ſhop to ſhop, till he was by chance luckily thrown into the office of an attorney to attend the clerks, light fires; clean ſhoes, &c. &c.

By the ſeveral progreſſions neceſſary in ſuch caſes, he crept upon the Roll, and though not higher than a walking cane, and, as before obſerved, ſomething more ordinary than the generality of mankind, yet with an aſſumed importance, a competent ſhare of a certain other very neceſſary ingredient, a voice admirably adapted to awe a client, with the addition of a huge velvet cap, at home, dwindled into the leſs important covering of a black ſcratch wig, abroad, and a ring for almoſt each finger, mounted in a high chair at a deſk, he has been in the adminiſtration of the law with great ſucceſs for ſome years; and though the road has been ſomewhat rugged, the event has repaid the purſuit.

Now for the application.—A gentleman, at this time in one of the higheſt departments in the

the Court of King's Bench, happened to be a clerk in the office (which was a very reſpectable one) where the *little urchin* was firſt introduced as a foot-boy, and which has given occaſion for his very induſtriouſly circulating, what I verily think a frequent repetition has taught him almoſt himſelf to believe, namely, that he was fellow clerk with the honourable character alluded to, and, till very lately, upon terms of intimacy with him.

I have nothing to ſay as a reflection upon the character of this gentleman, though he is what the world calls *a Sharp Man*, I introduce him as an inſtance of good fortune, ſomething too arrogant in his claim of intimacy with an exalted character, to whom, if he was at all known, it was at a time, which for his own reputation, his memory ſhould reject a recollection of, the cheriſhing which ſeems rather an inſtance of fooliſh vanity than a vice.

As an inſtance of the activity of ſome men, in what I call the *Creation of Suits* I am here led

led to relate a tranſaction which lately happened at a well known coffee houſe, within the Rules of the King's Bench Priſon.

A couple of tradeſmen having drank enough to make them quarrelſome, were ſitting in one box, and in the next ſat an attorney; abuſive language on ſome trifling provocation was pretty liberally beſtowed between the former, to each other, in the courſe of which, the word *thief* ſeemed to be a favourite appellation from one of them, at length anger ſubſided, and friendſhip again reſumed her turn to reign between the diſputants; a parting glaſs ſettled the difference, and one of them left the room.

The attorney, whoſe memorandum-book had been out from the inſtant the fray commenced, now thought it time to add a little fuel to that flame which he well hoped would not ſo ſoon have been extinguiſhed, and endeavour to re-kindle the anger of the remaining party; with a modeſt air, therefore, he addreſſed

addreſſed him, obſerving he had been very ill uſed, and producing the memorandum-book as a mark of his invariable dilligence upon ſuch occaſions, exclaimed, "Good heavens, can you bear to be called a *Thief!* I will bring an action and recover damages for you;" "damages quoth the tradeſmen, with a look of ineffible contempt, I have ſuſtained none! and Sir, your officious pen has forgot to remark that at our parting we were friends; were it not ſo I had my ſhare in the abuſe—I ſcorn an advantage, if the law would give it me, and though I think you a fit object to take it, you ſhould be the laſt perſon I would employ for the purpoſe."

If any man ſhould call me a thief, and no ſerious injury has reſulted from it, let me reflect whether I had better ſtudy to prove myſelf an honeſt man, by an unremitting attention to my buſineſs, or employ ſuch an attorney to eſtabliſh my character before a Court, who perhaps will be ſo fully ſatisfied of my honeſty, that they will allow me One Shilling by way

of damages, as a teſtimony of the approbation they wiſh to ſhew to ſuch kind of actions, my active and ever attentive Solicitor will in due time remind me of coſts that will be conſiderable.

Trifling litigations of any kind are equally unprofitable to either plaintiff or defendant, particularly when in the hands of a knaviſh conductor; for ſtrange as it may appear, there are *Gentlemen of the Law*, that though the object be but forty ſhillings, will, without any previous notice to the party, ſue out a writ on one day returnable on the next, on purpoſe to charge the expence to the amount of three or four pounds, when in the uſual courſe of fair proceeding it need not have amounted to more than half that ſum. This is frequently done, and what is termed ſharp practice, or in other words, a baſe pervertion of juſtice and the origninal intention of the law. Theſe, and many other acts equally oppreſſive, are frequently ſubmitted to; for notwithſtanding the law has appointed redreſs, the means are often dangerous, a danger

danger the reader's ſagacity will eaſily point out, when he conſiders another phyſician muſt be employed to apply the remedy.

As no human power can foreſee, ſo none can prevent, the application of the moſt ſalutary inſtitutions to the worſt purpoſes; therefore, although the Courts of Judicature in this country are ever attentive to the rights and liberties of the ſubject, the means of application are incumbered with ſuch innumerable difficulties, that the moſt flagrant abuſes go unpuniſhed being unknown, as it is frequently out of the power of the perſon aggrieved to obtain that juſtice—to which, by the laws of his country, he is entitled.

Whoever has been injured by the loweſt miniſter of the law, ſhall have redreſs upon application to that court under which his authority is derived: But in what Inn of Court ſhall he find an advocate to ſtate his caſe without a fee? Or in what other way ſhall his grievance come to the knowledge of thoſe appointed to redreſs it?—I am aware of the

folly

folly I ſhall be taxed with for the ſlight idea of introducing a practice ſo repugnant to the common purſuit of the world; many offences in the eye of juſtice paſs unnoticed for want of proper proſecution; and the gentlemen of the bar, though they regard them with contempt, paſs them with indifference, nothing being worthy of their attention which is not likely to produce an emolument.—Preſs but their palm with a golden impreſſion of their Sovereign, and, as if inſpired with a zeal for his laws, their oratorical powers are invigorated with the moſt perſuaſive eloquence, which nothing can prevail upon to exert itſelf a ſecond time but a repetition of the former expedient; the number of Solicitors increaſe the number of ſuits; and whether the ſubject be a pebble or a diamond, the cauſe may be equally productive.

It is certain, that by a Statute of Henry VII. (which ſerves to ſhew that humanity was ever the characteriſtick of the Britiſh Legiſlature) the poor are admitted to proſecute their

their claims in Courts of Juſtice, without any fee to Counſel or attorney, and without paying the accuſtomary ſtamp duties to government for the reſpective proceſs: This Statute being ſilent as to the exact deſcription a man muſt be under to entitle him to ſue as a pauper, the Courts of Law have limitted the right to thoſe who can ſwear themſelves not worth five pounds, excluſive of wearing apparel, and the right ſuppoſed to appertain to the party in the intended ſuit.—Such is the act, in its conſtruction, and its preſent limitation by the courts.—Bleſſed be the imagination that gave birth to an idea replete with that humanity which levels the paltry diſtinction reſulting from riches, and would thus reſcue the indigent from oppreſſion!—What is its effect? Hardeſt of the taſk is for a pauper to find an attorney, the firſt miniſter neceſſary to introduce his petition, and carry his claim into action; but this ſurmounted, there is ſtill another difficulty—The very obtaining the order from a Judge, to be admitted to ſue as a pauper, puts him

to an expence of near a ſixth part of what he ſwears he is not worth in the world, the greater part of which he muſt pay as a fee to the Judge's clerk of the court that is to adminiſter juſtice in his cauſe—Thus money is the grand ſpring that gives activity to almoſt every department in the law; and that cauſe will ever be ſlow and dull in its progreſs, which is not ſupplied with this neceſſary ingredient, to illuminate the dark paſſages to juſtice.

Before I diſmiſs a ſubject of ſuch importance, I ſhall beg to introduce to the reader, a character whoſe progreſs having already been ſomething curious, is at length haſtening towards the law as a new profeſſion, and to which, I fear, he will one day arrive, though the ſeveral occupations he has already paſſed through promiſe but few qualifications to boaſt of.

The perſon alluded to, and whom I ſhall here diſtinguiſh under the title of Mr. SABLE, originally appeared to the world in the character of an Undertaker, and being of a diſpo-

ſition

ſition to improve his trade, had reduced his number of cuſtomers to ſomething of a greater certainty than the common chance of natural death; he very early in life made himſelf acquainted with the Walls of Newgate, and having contracted a friendſhip with the turnkeys of that place, who introduced him upon all occaſions, he became very ſhortly, through ſuch intereſt, the General Undertaker of Funerals to his Majeſty's Gaol of Newgate—It was his cuſtom to get admitted to the unhappy inhabitants of the priſon, as ſoon as the dreadful ſentence of the law had deſtined them to eternity, and with a ſolemn appearance, to take inſtructions, and eſtimate the expence, of the interment, for which he *uſually received payment at the time*.—The reader will eaſily conceive this gentleman's addreſs to be ſomething ſuperior to the common and neceſſary talents of an ordinary Undertaker, and that a ſolemn look alone could not equip him, who dealt thus with living men for the diſpoſal of their carcaſes when dead.

As ſoon as the executioner had made that ſacrifice which is the tribute due to offended juſtice, Mr. SABLE received the body of the criminal, and depoſited it according to his inſtructions; and although ſome have dared to doubt his veracity, he poſſitively declares, he never diſpoſed of one body to a Surgeon *in the whole courſe of his practice*, notwithſtanding he has been frequently applied to for that purpoſe.

Mr. SABLE's conſtant attendance at Newgate gave birth to the happy idea of his becoming a practitioner of the Law, for having cultivated an acquaintance with ſome gentlemen, whoſe particular buſineſs it is to attend the diſtreſſed in ſuch places as Solicitors, he began to conceive the buſineſs even in that ſtate much more agreeable to him than that of an Undertaker; ſumming up therefore his beſt qualifications, and being reſolved to quit trade, he proceeded immediately to put his ingenious talents to the teſt, and having, in addition to his occupation as an Undertaker,

ſometimes

ſometimes bought and ſold various kinds of merchandize; indeed having cauſually dealt in every commodity for which either the credulity of tradeſmen, or his own matchleſs effrontery, could procure him credit, he reſolved on a commiſſion of bankruptcy, as the certain cure of all his preſent difficulties, and which, conſidering the number of his creditors, and the care he took as to the amount of their claims, was accompliſhed, even to his moſt ſanguine expectations,—Thus equipt with the covering of his creditors, he boldly attacks us as an attorney, which character he aſſumes by being articled to ſome perſon who can have little regard for his own reputation, and leſs for the profeſſion he is a member of.

Mr. SABLE's being poſſeſſed of the moſt conſummate impudence, is by no means his greateſt defect; he inherits a certain low, or rather wicked talent of applying every peice of intelligence he can procure to ſome evil purpoſe, and which is the moſt dangerous trait of his character. He, upon all judicial oc-

caſions, impoſes himſelf not only upon magiſtrates and the more public ſeats of juſtice, but upon the commiſſioners of bankruptcy, at their ſeveral ſettings, impudently prying into the concerns of the unfortunate citizen, and baſely applying the intelligence he procures to the injury of individuals: Legal knowledge he has none, and that which he aſſumes is the art of making deſperate attempts to evade juſtice, and a happy knack at taking every advantage.

This man will, if his endeavours ſucceed, one day become an attorney; but does it not rouſe our indignation, that ſuch a wretch ſhould ever have it in his power to diſtreſs mankind under a ſanction which ſhould ſtamp him every man's protector?

Is it not equally contemptible (it is equally true) that there is now a man in the neighbourhood of the metropolis, who, in the early part of his life, was a hawker of garden-ſtuff in the ſtreets; ſince that a livery ſervant; and is

now

now under articles as clerk to an attorney, to learn that profeſſion to which he never has, nor ever will, ſerve an hour, though he muſt on his admiſſion ſwear to an actual ſervice of five years.—The man who would boldly make ſuch an oath, at his entering the profeſſion, can never be expected to become an ornament to it.

When I caſt my eyes around to thoſe, whoſe youth have been ſpent in the law, and from different cauſes have become a prey to poverty, I would endeavour to ſhade their faults under the veil of neceſſity—Extremity is the parent of many evils, and although not to be juſtified, may ſometimes in charity be excuſed.

The intent of the preſent treatiſe is to arm mankind againſt the impoſitions of thoſe, who never fail to carry ſome where about them evident marks of that infamy, for which nothing can be a ſufficient excuſe.

How

How oppoſite and how ſatisfactory is the conduct of a man of integrity, in whom we may truſt our concerns with ſafety, and whoſe veracity would bluſh to deceive his client: Such a one will never adviſe him to embark in a ſuit of trifling conſequence, becauſe he regards his own reputation; and his employers intereſt is his chief care; he will be ever ſtudious to recommend that buſineſs to the ſettlement of a diſintereſted arbitrator, which will produce no emolument to his client, even if he ſhould ſucceed by the determination of a Jury.

The duty a man owes to his own intereſt is to anſwer juſtly to his own conſcience; and what appeal can he make who ſhall plunge an ignorant man into an unprofitable litigation? It is ſtill a credit to our nation to ſay, that there are many who would bluſh at the idea; but it is equally a reproach to obſerve their numbers are not ſufficient to wipe away the general ſtigma.

For

For my own part, I know not of an oppoſition maintained with ſuch diſdain on the reputable ſide, as that againſt an attorney of bad character, upon whom the meaneſt officer in the common law department looks with contempt, though he feels that from ſuch characters reſult the overflow of buſineſs, and the number of official fees.

Having endeavoured to make my reader acquainted with the evils I would wiſh him to eſcape, I ſhall conclude a Work rather the effect of looſe obſervation than ſtudied propriety and regularity.

If, by falling into the hands of thoſe whoſe conſcience meet the application, it produces but a ſpark of reformation, a noble end will be obtained: In its general purpoſe it cannot fail, for though the ſubject would well become a more ſkilful pen, from which it might produce a ſuperior gratification, I doubt not but a generous public will receive the hints of the author, however irregular in the arangement, as the pure and untutored ſentiments, of his heart.

However

However unworthy the perusal of the learned in the profession, the present attempt may be, it is hoped the intention will be a sufficient excuse for the many inaccuracies that escape from an inexperienced pen.

My situation and my duty teaches me the respect I owe to my Lords the Chief Justices, and other exalted characters in the superior departments of the Law, for whom I cannot express too great a veneration; my conduct on this occasion is my birth-right as an Englishman, a birth-right I trust no man would desire to abridge me of.

An undue use of those laws the whole world join in admiring, is an enormous vice, offensive to the government under which our properties are preserved, and injurious to every order of society; this is the object I would attack, without the most distant idea of a general reflection.

If in these few sheets any one should feel it too powerful to resist, it is an application arising

ariſing from the tenderneſs of his own conſcience, *and not to be imputed to me*, as it is in vain to contend with that ſilent monitor, that cannot be eluded, and from which no new ingenuity can relieve us.

When an individual deſcends to make his pen a libeller of the Legiſlative or executive body, under whoſe government his right and liberties are preſerved, he deſerves to be branded as a monſter of ingratitude; *and puniſhment for his infamy*, but certainly no criminality reſults from praiſing the acts of a good man, or execrating thoſe of a bad one; ſuch are general ſubjects upon which every man has a right to indulge his reflection, and exhibit thoſe characters which, on publication, will not fail to diſturb the guilty mind.

Virtue will thus reſume new vigour, and, like the fragrance of a ſpring morning, its refreſhing influence will be ever unconfined; while vice, like the poiſonous quality of a vapour, will in the end offend thoſe who nouriſh it.

F I N I S.